

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

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v.

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CRIMINAL NO. ELH-20-0361

**JAMES IAN PICCIRILLI and
KELLIE NICOLE WARFIELD,**

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Defendants.

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**CONSENT MOTION TO EXCLUDE TIME
UNDER THE SPEEDY TRIAL ACT**

The United States of America respectfully submits this Consent Motion to Exclude Time Under the Speedy Trial Act and states as follows:

1. On October 6, 2020, U.S. Magistrate Judge Thomas M. DiGirolamo authorized criminal complaints charging Defendants James Ian Piccirilli and Kellie Nicole Warfield with failing to surrender for service of a federal sentence and aiding and abetting in violation of 18 U.S.C. § 3146(a)(2) and 18 U.S.C. § 2. On October 21, 2020, a federal grand jury in the District of Maryland returned an indictment charging the Defendants with the same offense.

2. Both Defendants were arrested in Indiana on October 13, 2020, and they made their initial appearances in the Southern District of Indiana the following day. Since the Defendants' arrival in Maryland, the following has happened:

- a. On November 13, 2020, Mr. Piccirilli made his initial appearance in the District of Maryland, and he consented to detention; and
- b. On November 13, 2020, Ms. Warfield made her initial appearance in the District of Maryland; after a detention hearing and a detention review hearing, the Court ordered Ms. Warfield's release on conditions on December 9, 2020.

3. No dates have been scheduled yet in this case.

4. The Speedy Trial Act requires a trial within 70 days of a defendant's indictment or initial appearance, whichever is later. 18 U.S.C. § 3161(c)(1). The Act also provides for various circumstances under which time may be excluded from the speedy trial computation—for example, upon a finding by the Court that "the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." *Id.* § 3161(h)(7)(A).

5. On March 12, 2020, however, to prevent the spread of COVID-19, Chief Judge James K. Bredar entered an order postponing all criminal jury trials and finding that the continuances resulting from the standing order were to be excluded under the Speedy Trial Act during that period. *See* Standing Order No. 2020-07, *In re Standing Orders*, Misc. No. 20-308, ECF No. 99. Criminal jury trials did not resume in the District of Maryland until August 2020.

6. Then, on November 11, 2020, in response to increasing COVID-19 positivity rates, Chief Judge Bredar again suspended all in-court proceedings for two weeks beginning on November 16, 2020, effectively postponing all jury trials scheduled during that period. *See* Standing Order No. 2020-20, *In re Standing Orders*, Misc. No. 20-308, ECF No. 119. On November 19, 2020, the Court extended that restriction through January 15, 2021. *See* Standing Order No. 2020-20, *In re Standing Orders*, Misc. No. 20-308, ECF No. 120.

7. Here, the Government asks that the period from November 13, 2020, to January 31, 2021, be excluded from computation under the Act. Such an exclusion serves the interests of justice, and it outweighs the interests of the public and Defendants in a speedy trial. First, the Government recently produced discovery. The requested period will give defense counsel sufficient time to review those materials. Second, the period will account for the time that COVID-19 is anticipated to delay trial or impair defense counsel's communications with

Defendants, which may affect the parties' ability to reach an agreement. Finally, should plea discussions fail, the requested exclusion will give the parties sufficient time to prepare for trial.

8. Counsel for both Defendants consent to the requested exclusion of time.

WHEREFORE, the Government respectfully requests that this Court exclude time under the Speedy Trial Act for the period from November 13, 2020, to January 31, 2021.

Respectfully submitted,

Robert K. Hur
United States Attorney

Date: December 17, 2020

/s/
Brandon Moore
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of December, 2020, a copy of the foregoing Consent Motion to Exclude Time Under the Speedy Trial Act was served via CM/ECF to all counsel of record.

/s/

Brandon Moore
Assistant United States Attorney